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BURDEN OF INDUSTRIAL ACCIDENTS

BY JOHN MITCHELL,
Vice-President American Federation of Labor.

During recent years the problem of industrial accidents and their prevention, and the question of compensation to workmen for losses caused by them have provoked wide public discussion, as a result of which the Federal Government and several state legislatures have appointed commissions to investigate the causes of such accidents and to devise some legal system of automatically indemnifying workmen for losses caused by them.

These subjects concern, in a very large way, all the people of the state and nation, although they affect more immediately the workmen, because it is upon them that the burden falls with crushing weight; it is they and their dependents who suffer the direct and terrible consequences of such accidents. The greatest disaster that can befall the family of a wage-earner is to have the father and bread-winner carried lifeless into his home, and the shock of this calamity comes with added force when the death is due to an industrial accident—yet in our country this tragedy is enacted more than 100 times each day, more than 35,000 times each year!

While the bread of the laborer is earned in the sweat of his brow, it is eaten in the peril of his life. Whether he work upon the sea, upon the earth, or in the mines underneath the earth, the laborer constantly faces imminent death; and his danger increases with the progress of the age. With each new invention the number of killed and injured rises. Each new speeding up of the mechanisms of industrial life, each increase in the number and size of our mighty engines, brings with it fresh human sacrifices. Each year the locomotive augments the number of its victims, in each year is lengthened the roll of the men who enter the dark and dampness of the mine, never to return to their homes and loved ones.

Many are killed without violence; thousands of wage-earners lose their lives in factories, mills and mines without the inquest of a coroner. The slow death that comes from working in a vitiated atmosphere, from laboring incessantly in constrained and unnatural

postures, from constant contact of the hands and lips with poisonous substances; lastly, the death which comes from prolonged exposure to inclement weather, from over-exertion and under-nutrition, from lack of sleep, from lack of recuperation, swells beyond computation the unnumbered victims of a restless progress.

It is, of course, inconceivable that the gigantic industrial movements of the American people should be conducted without some fatalities. The industrial structure is a huge machine, hard running and with many unguarded parts, and many of the fatalities, many of the deaths in general are simply and solely the result of conditions beyond human control, and inseparable from the ordinary course of existence. But thousands upon thousands of easily preventable accidents and fatalities occur each year, and it is from these that we should strive to secure relief.

In the United States the number of persons killed and injured is not even officially counted, but Mr. William Hard, a well-known writer, credits the American Institute of Social Service with the statement that 536,165 workmen are killed or injured every year in American industry, while Mr. Hoffman, statistician of the Prudential Life Insurance Company, has estimated the annual number of industrial accidents at approximately two million. As a matter of fact, however, the death roll of industry is longer than is evident from obtainable figures. No one can compute the number annually yielding up their lives, or compelled to become a burden upon their friends or relatives or dependent upon the charity and munificence of society, who have come to their death or disability as a result of disease contracted in their occupations.

It is a strange commentary upon our boasted American civilization that in the United States nearly three times as many persons, in proportion to the number employed, are killed or injured in the course of their employment, as in any other country in the world.

In pointing out the evils that exist, I do not wish to convey the impression that society is unwilling to correct the wrongs that have grown out of our marvelous industrial development. The difficulty is that society does not understand the gravity of the situation. There is nothing sensational or dramatic in the killing of a workman here and workman there, hence the public is not startled and shocked as it would be if 500,000 men were killed or wounded in some great war, or even if their death or injury were caused by a series of earthquakes, fires or floods.

The American people are generous to the afflicted, they are sympathetic with those in distress, they respond with a golden stream to every great disaster that overtakes any section of the people in any part of the world, and if they understood the alarming and unnecessary loss of life and incapacitation of workmen that occur day after day, year after year, in the peaceful conduct of our industries, I am entirely convinced that they would rise in righteous protest and demand and insist that, without regard to cost in money, every precaution which it is possible for the human mind to conceive should be exercised in protecting the lives and promoting the health of the toilers and in providing a decent compensation for those who fall victims to the hazard of industrial pursuits.

Regrettable and alarming as is the number of industrial accidents and fatalities attendant upon the conduct of our industries, yet we might reconcile ourselves to conditions even as they now exist if it were not possible, by the exercise of reasonable precautions to reduce the number of industrial accidents; but when we observe the number and ratio of workmen killed and injured in the industries of the United States, as compared to the number and ratio of workmen killed and injured in the industries of other nations, we are led to the inevitable conclusion that if it cost more to kill a workman in America than to protect him, as it does in Europe, the American workman would not be killed, he would be protected; and the number of industrial accidents would be reduced at least one-half.

As an illustration of what has been accomplished in Europe through wise legislation, and as an evidence of what could be accomplished by proper legislation in the United States, your attention is directed to the fact that, taking all the mining countries of the old world, the average annual number of industrial fatalities is 1.45 per 1,000 employed, whereas in the United States the average number of mining fatalities is 3.46 per 1,000 employed. In other words, for each 10,000 men employed in the mining industries of European countries, 14 are killed annually, while for each 10,000 employed in the mining industry of the United States, 34 are killed annually. In considering these figures it is important to know that from the standpoint of natural conditions, mining is no more dangerous in the United States than it is in the countries of the old world,

therefore the disproportionate number of mining accidents in the United States, as against all European nations, can be attributed only to inadequate laws and imperfect regulations; and as, in respect to accidents, the mining industry is typical of all industries, it becomes apparent that in legislation we have failed to protect our wage-earners with the far-sighted statesmanship that has characterized the lawmakers of other nations.

In order that we may extricate ourselves from the humiliating and degrading position we now occupy in respect to this question, it is imperative that the factory and mining laws of all our states—which at the present time are wholly inadequate—should be greatly extended and should be enforced with the utmost vigor. Employers should be required, under severe penalty, to equip machinery and working places with every practical safety device it is possible to secure. And the state itself should establish museums of safety devices and industrial hygiene, in which should be exhibited drawings and models of all safety appliances in use in this and other countries. Furthermore, the force of factory and mine inspectors should be largely increased, the inspectors should be removed from the sphere of political influence, and schools should be conducted in connection with the museums of safety devices, in which inspectors could be thoroughly trained in the work the law requires them to do.

Here let me call attention to the fact that in an address delivered the day before yesterday, in the City of New York, the statement was made that there were fifty per cent more game wardens than factory inspectors employed by the State of New York. I do not wish to suggest that the protection of game and fish is not important, but I do mean to suggest that there should be more inspectors to protect human life than to protect the birds and the fishes.

What the working men desire and demand is not so much compensation for injury, as prevention of injury. It is all very well to receive \$1,000 for the loss of an eye or the loss of a leg, but it is much better for the man, as it is for society, that the eye or the leg be not lost.

However, the workman who is killed or injured in any industry should receive from that industry, either directly or through his heirs, a suitable compensation, whether the injury be due to the negli-

gence of the employer or not. It is inhuman to permit disabled workmen to lack for the necessities of life, it is inhuman to permit widows and orphans of men who have died in the performance of their duty to be left without suitable provision for their future maintenance.

I believe that industry should bear the burden of the pecuniary loss sustained by workmen as a result of industrial accidents, just as it is now required to repair its machinery and to offset the losses caused by depreciation in the value of its plants. The workmen and those dependent upon them are now, and will be under any system, required to bear all the physical pain and mental suffering; of this they cannot be relieved; for this they cannot be recompensed; but they should be relieved of the harrowing fear of hunger and want, they should be guaranteed against the humiliation and degradation of becoming objects of charity.

And again, may I say parenthetically, that what the miners down in Scranton required, was not so much compensation, as prevention. The one hundred men who gave up their lives yesterday, in order that the coal industry should go on, might be living to-day if proper regulations for their protection had been enforced. And what a sad thing it is to read this afternoon of a hundred and fifty convicts killed through an explosion in a coal mine in Alabama! One might think he were reading the history of France in the days of its worst despotism. One hundred and fifty convicts in the mines! It makes one think of the galley slaves! What a shame it is that convicts must work in the mines! A free man has some chance to protect himself. A convict has none. A free man may refuse to work. The convict must work. And I trust that this disaster in Alabama will do there what a like disaster did in Tennessee, that it may cause the State of Alabama to remove from its statutes the disgraceful law that sentences its criminals to work in the mines.

If I may ask your patience a few minutes longer, I should like to treat briefly of one phase of this subject that I have not heard discussed to-night—although perhaps it has been discussed during the other sessions—and that is the cost. The question of how much a compensation system would cost in money is important both to the workmen and the employers. It is, of course, impossible to say what the exact cost would be if we should abandon our

present system of liability and substitute for it an automatic system of compensation. However, we find that during the eleven years from 1894 to 1905, the employers liability companies of the United States took in \$99,959,076 in premiums from American employers. During this period these companies paid out in the settlement of claims of injured workmen \$43,599,498, or 43 per cent of the amount they took in. Of the 43 million dollars paid in settlement of such claims, it is safe to say that 35 per cent was expended by the injured workmen in the payment of attorneys' fees and court expenses; so that, in the final analysis, the injured workmen received less than 30 million dollars out of the 100 million dollars paid by American employers in premiums to liability companies. Allowing 15 million dollars for the administration of the insurance companies and for reserve, it would mean that fifty-five million dollars were wasted—were worse than wasted—because the money was used in burdening our courts with litigation and in delaying or defeating the settlement of claims, many of them just claims, when it should have been used, and would have been used under a wise compensation system, for the immediate relief of the men and their families who are the victims of the hazard of industrial pursuits.

The matter of waste in our present system is illustrated in a story told of a Chicago workman, employed in the building industry. He fell from the building, and after being assisted into an ambulance by several of the contingent fee lawyers who were there, and having made a contract with one of them to prosecute a suit for damages, he was taken away. Some three months later his lawyer called at the house, and said to him, "Well, I have settled the case. I got an award of \$1,500"; and he handed the workman \$500, and a receipt for \$1,000. The workman looked at him with an expression somewhat dissatisfied and surprised, whereupon the lawyer said, "Why, what is the matter with you, do not you think I have won a good case?" he said "Oh, yes, you won a good case, but I just was wondering which one of us it was that fell off the building."

Let me tell you an incident that is not at all ludicrous. Down in one of the Southern states, a short time ago, a ten-year-old girl was employed in a cotton mill. One day she got caught in the machine and her arms were torn out. Her parents sued the employer for damages, and when the case came to trial, the company's

lawyers made a motion that the suit be dismissed on the ground that the girl had assumed all the risks of her work. The judge entertained the motion and dismissed the case, deciding that the girl, ten years old, knew the dangers of her work and, therefore, had assumed all its risks! For that ten-year-old girl to know the dangers of her work and be required under our system to assume all the risks—I should be the last one to criticise the courts—I got into trouble once—but I would not have rendered that decision; (and perhaps I would not be a judge next day), I would not say that a ten-year-old girl knew the dangers of her work, and must assume all the responsibility of having her arms torn out.

Referring to these figures of \$100,000,000: I am not prepared to say that even if the entire one hundred million dollars had been paid to the injured workmen, it would have been sufficient to have indemnified them for their losses; but I do believe that it would not have required very much more to have compensated them on the basis of the British Workmen's Compensation Act.

It would seem to me that from every consideration of sound business judgment, practical economy, and fair dealing between man and man, we should not hesitate longer in abandoning a system that has been productive of so much misery and hardship, to say nothing of the friction and ill-feeling engendered between employer and employee. Under our present system an injured workman is compelled to sue the only man on earth upon whom he has a moral claim for employment, whereas under an automatic compensation system, such as prevails in foreign countries, a man receives as a right, not as a benefaction, a definite amount of money—a sufficient amount to tide him or his dependents over the period of greatest distress.

During recent years our statesmen, scientists and politicians have been loud and earnest in their protestations against the waste and exhaustion of the nation's natural resources. The conservation of the material wealth of the nation is a matter of deep concern and of vital interest to our own and to future generations, but, in view of the fact that 536,000 workmen are killed or injured every year in American industry, is it not high time that systematic and effective efforts be made by the state and national governments to protect and conserve our human resources—the lives, the health, and the happiness of the men and women and children of labor?